

# EXHIBIT SS

# **DECLARATION OF MARIA SAPENE**

I, Maria Sapene, declare:

1. I am the Chief of the Litigation Support Unit in the Office of the Federal Public Defender for the Central District of California.

2. I obtained materials in support of the Motion to Dismiss for Selective Prosecution (hereinafter, “Motion”). They are contained at Exhibits T through JJ and under seal Exhibit TT. I obtained these materials through open-source investigation. This includes using tools like the Wayback Machine at Archive.org to retrieve and preserve now-deleted or deactivated links; reviewing responses to California Public Record Act (“PRA”) or Freedom of Information Act (“FOIA”) requests; reviewing public information posted by law enforcement agencies (e.g., Nixle Notifications, arrest logs, social media posts); and other matters of public record, like social media, and internet searches. I specify how I obtained the materials in these Exhibits here:

3. Exhibit T - Joint Intelligence Bulletin, *California: Escalation in Anti-Fascist, Right-Wing Extremist Violence*, States Threat Assessment Center & Northern California Regional Intelligence Ctr. (June 26, 2017). I obtained this from a response to a PRA request to the California Office of Emergency Services.

4. Exhibit U - *Forming An Antifa Group: A Manual*, ItsGoingDown.org (Feb. 16, 2017). I obtained this through open-source investigation of the ItsGoingDown.org website.

5. Exhibit V - No "FREE SPEECH" FOR FASCISTS! *Mass, militant demonstration shuts down Sacramento Neo-Nazi rally!*, BAMN: Coalition to Defend Affirmative Action, Integration and Immigrant Rights and Fight for Equality By Any Means Necessary (June 26, 2016). I obtained this through open-source investigation of the ItsGoingDown.org website.

6. Exhibit W - Interview Clip -- Yvette Felarca, BAMN.com (June 26, 2016). I obtained this through open-source investigation of the ItsGoingDown.org website.

1       7.     Exhibit X - *Shut Down Milo Yiannopoulos*, BAMN: Coalition to Defend  
2 Affirmative Action, Integration and Immigrant Rights and Fight for Equality By Any  
3 Means Necessary (Jan. 31, 2017). I obtained this through open-source investigation of  
4 the ItsGoingDown.org website.

5       8.     Exhibit Y - FBI Rpt. re: BAMN Fliers -- Feb. 1, 2017 Milo Yiannopoulos  
6 Berkeley Speech. I obtained this from a response to a FOIA request to the FBI.

7       9.     Exhibit Z - Citizen Email to Berkeley Mayor's Office re: March 4 Trump  
8 Rally (March 5, 2017). I obtained this from a response to a PRA request to the  
9 Berkeley Police Department.

10      10.    Exhibit AA - Officer Awareness Bulletin, *(LES) ANTIFA & ANTI-*  
11 *ANTIFA MOVEMENT SYMBOLS*, Symbol Intelligence Group (March 15, 2017). I  
12 obtained this from a response to a PRA request to the California Office of Emergency  
13 Services.

14      11.    Exhibit BB - Email from DHS Officer re: Huntington Beach Event (March  
15 28, 2017). I obtained this from a response to a PRA request to the Orange County  
16 Sheriff's Department.

17      12.    Exhibit CC - Bay Area Committee Against Fascism, *Why the Bay Area*  
18 *Must Shut Down the Alt-Right Rally on April 15th*, IndyBay - East Bay (April 5, 2017).  
19 I obtained this through open-source investigation of the IndyBay.org website.

20      13.    Exhibit DD - Pamphlet, *Message in a Bottle*, It's Going Down (undated).  
21 I obtained this through open-source investigation of the ItsGoingDown.org website,  
22 which linked to the pamphlet.

23      14.    Exhibit EE - Pamphlet, *The Riot is One Night*, It's Going Down (undated).  
24 I obtained this through open-source investigation of the ItsGoingDown.org website,  
25 which linked to the pamphlet.

26      15.    Exhibit FF - Thread, *The troubling implications of the conflict in Berkeley*  
27 *today*, Reddit.com/r/anarchism (April 16, 2017). I obtained this through open-source  
28 investigation of the website Reddit.com and Archive.is, which contained the thread.

16. Exhibit GG - *San Bernardino, CA: Counter-Demonstrate Against Islamophobic March, It's Going Down.org* (June 6, 2017). I obtained this through open-source investigation of the ItsGoingDown.org website.

17. Exhibit HH - *Domestic Terrorist Violence at Lawfully Permitted White Supremacist Rallies Likely to Continue*, Dep't Homeland Security, Office of Intelligence & Analysis (Aug. 9, 2017). I obtained this from a response to a FOIA request to the Department of Homeland Security.

18. Exhibit II - *Revealed: This is Palantir's Top-Secret User Manual for Cops*, Vice News (July 12, 2019). I obtained this through open-source investigation of the Vice.com website.

19. Exhibit JJ - *Berkeley Police make 13 arrests during today's demonstration*, Nixle Notification - Berkeley Police Department (Aug. 27, 2017). I obtained this through an open-source investigation of the Berkeley Police Department Nixle page.

20. Under seal Exhibit - TT. This is an Excel sheet listing the relevant information about people arrested at various protests described in the Motion. I obtained this information from the following sources: arrest reports contained in discovery produced by the government in this case, open-source investigation into law enforcement agency websites, news articles, and social media posts from law enforcement agencies and individual users. Where I obtained the information from a social media post or news article, I linked that information within under seal Exhibit TT.

I declare under penalty of perjury under the laws of the United States of America  
that the foregoing is true and correct.

Executed on January 15, 2024, at Los Angeles, California.

*/s/ Maria Sapene* .  
Maria Sapene